



March 8, 2010

MEMO ENDORSED

Via facsimile (212) 805-7930
and First Class Mail

The Honorable James C. Francis
United States Magistrate Judge
Southern District of New York
U.S. Courthouse
500 Pearl Street
New York, NY 10007

USDS SDNY
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Re: Overton v Cashman Dredging; Case No. 09-cv-2975-RMB-JCF

Dear Judge Francis:

Please be advised that this case currently has a discovery cutoff of April 30, 2010, with the pretrial order to be submitted by May 31, 2010.

The parties are currently undergoing discovery and have exchanged written discovery requests, and have taken the deposition of the Plaintiff and one of the engineers on the vessel where Plaintiff alleges that he sustained his initial accident in August 2006. At this time, the parties are still attempting to identify who the pilot of the vessel was at the time of the August 2006 incident. In addition, the captain of the vessel at that time is currently sailing deep sea for another company and is unavailable for deposition. Furthermore, the parties are working out the details with regards to taking the depositions of those individuals who are responsible for the handling and authorization and/or payment of maintenance and cure with the Defendant, and it is anticipated that those depositions shall take place within the next 30 days or so.

The parties would request at this time that the Court extend the discovery and pretrial order dates 120 days so that the parties can attempt to finish discovery and ascertain who the pilot was so that he can be deposed, as well as take the deposition of Captain Steamer.

As such, Plaintiff would request discovery cutoff in this matter be extended until ~~August 31~~, 2010, with the pretrial order due on ~~September 30~~, 2010. *June 30* *July 31* *JK*

Plaintiff counsel undersigned has conferred with defense counsel Charles Murphy on March 5, 2010, and Mr. Murphy concurs with the relief sought and the extension of the discovery and

Respectfully submitted,

Howard M. Cohen

HMC:vh

cc: Charles E. Murphy, via fax and first class mail

3/8/10
Application granted as modified.

SO ORDERED.

James C. Fauch IV
USMJ